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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,791	07/26/2001	Jon B. Joachim	10541-066	7546

29074 7590 03/18/2004

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CHICAGO, IL 60611

EXAMINER
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AGUIRRECHEA, JAYDI A

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 03/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 09/915,791	<b>Applicant(s)</b> JOACHIM, JON B.	
	<b>Examiner</b> Jaydi A. Aguirrechea	<b>Art Unit</b> 2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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***Drawings***

1. The drawings were received on 1/16/2004. These drawings are accepted.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chottiner et al. (US 6204577) in view of Haga et al (US 6345430).

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). For applications filed on or after November 29, 1999, this rejection might also be overcome by showing that the subject matter of the reference and the claimed invention were, at the time the invention was made, owned by the same person or

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subject to an obligation of assignment to the same person. See MPEP § 706.02(1)(1) and § 706.02(1)(2).

Chottiner discloses a rotor assembly for an electric device comprising: a hub (32) fixedly connectable to a crankshaft of an engine (Column 4, lines 1-3);

a rotor fixedly connected to said hub (Column 4) for operational engagement with a stator of the electric device.

However, it fails to disclose an elastomeric material disposed between and interconnecting said hub and said rotor to provide torsional dampening.

Haga teach the use of an elastomeric material disposed between the hub and a massive body for the purpose of absorbing torsional vibration occurring in a rotation driving system.

It would have been obvious to one skilled in the art at the time the invention was made to use the elastomeric member disclosed by Haga on the electric machine disclosed by Chottiner for the purpose of absorbing torsional vibration occurring in a rotation driving system.

4. With regards to claim 2, Chottiner's hub includes an inner diameter sized to allow said hub to be press fit onto an end of the crankshaft and held thereto by a bolt threaded into the end of the crankshaft.

5. With regards to claim 3, Chottiner discloses the claimed invention wherein the hub includes an outer flange and said rotor is attached to the outer flange with threaded fasteners spaced radially about said hub.

6. With regards to claim 4, Chottiner discloses the claimed invention wherein said hub includes an outer flange and said rotor includes an inner diameter, said outer flange and said

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inner diameter being sized to allow said rotor to be press fit onto said outer flange and held securely thereto.

7. With regards to claim 5, the combination of Chottiner and Haga discloses the claimed invention wherein the machine is mounted to a vehicle drivetrain, wherein the drivetrain includes an engine, a crankshaft extending from within the engine on a front side, and a transmission, said electric device comprising: a hub fixedly connectable to the crankshaft of the engine on the front side opposite the transmission; a stator mountable to the engine independently of the crankshaft; a rotor fixedly connected to said hub and disposed within said stator for operational engagement with said stator, and an elastomeric material disposed between and interconnecting said hub and said rotor to provide torsional dampening.

8. With regards to claim 6, Chottiner discloses a stator/generator.

9. With regards to claim 7, Chottiner discloses the claimed invention wherein said hub includes an inner diameter sized to allow said hub to be press fit onto an end of the crankshaft and held thereto by a bolt threaded into the end of the crankshaft.

10. With regards to claim 8, Chottiner discloses the claimed invention wherein said hub includes an outer flange and said rotor is attached to said outer flange with threaded fasteners spaced radially about said hub.

11. With regards to claim 9, Chottiner discloses the claimed invention wherein said hub includes an outer flange and said rotor includes an inner diameter, said outer flange and said inner diameter being sized to allow said rotor to be press fit onto said outer flange and held securely thereto.

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12. With regards to claim 10-14, the combination of Chottiner and Haga discloses the claimed invention as explained above.

***Response to Amendment***

13. The declaration filed on January 16, 2004 under 37 CFR 1.131 has been considered but is ineffective to overcome the Chottiner et al. (US 6204577) reference.

14. The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Chottiner et al. (US 6204577) reference. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897).

Applicant swore behind the publication date (March 20, 2001) of Chottiner et al. (US 6204577). However, the applicant did not swear behind the effective filing date of the reference, which is January 5, 2000.

Applicant argues that the Chottiner et al. reference is not prior art under 35 U.S.C. §102, and therefore cannot form the basis for a §103(a) rejection. Chottiner et al. reference has a different inventive entity and assignee than that of the present application; therefore the reference is prior art under 35 U.S.C. §102(e) and the §103(a) rejection is proper.

***Conclusion***

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


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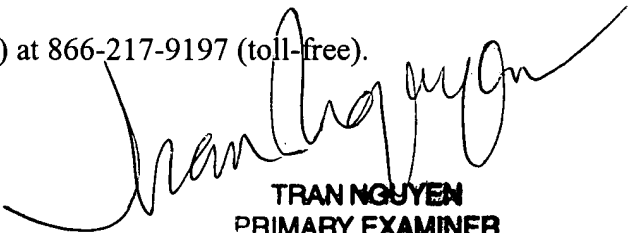
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaydi A. Aguirrechea whose telephone number is 571-272-2018. The examiner can normally be reached on M-Th 9-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren E. Schuberg can be reached on 571-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
JAA  
3/8/04

  
**TRAN NGUYEN**  
**PRIMARY EXAMINER**